

Portage County Common Pleas Court  
203 W Main St Po Box 1035  
Ravenna Ohio 44266-1035  
Phone 330-297-3644 Fax 330-297-4554

FILED  
COURT OF COMMON PLEAS  
September 25, 2012  
LINDA K FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

Case Number: 2012 CV 01118

OCT 03 2012

**CIVIL SUMMONS**

**PLAINTIFF(S):**

Mr MORTON COLLINS 2205 E 39TH ST CLEVELAND OH 44115  
Mrs KIM COLLINS 2205 E 39TH ST CLEVELAND OH 44115

VS

**DEFENDANT(S):**

MERCURY LINCOLN FORD CUSTOMER RELATIONS DEPT 1050 W MAIN ST KENT OH 44230  
MAZDA OF KENT CUSTOMER RELATIONS DEPT 1050 W MAIN ST KENT OH 44230  
MERCURY LINCOLN FORD CUSTOMER RELATIONS DEPT PO BOX 542000 OMAHA NE 68154  
MAZDA AMERICAN CREDIT CUSTOMER RELATIONS DEPT PO BOX 551939 DETROIT MI 48255

**NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY:**

PRO SE

**DEFENDANT TAKE NOTICE**

You have been named as a Defendant in a complaint filed in the Portage County Common Pleas Court by the Plaintiff named above. Copy of complaint is attached hereto.

You are hereby notified, summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff if he has no attorney of record, a copy of an answer to the complaint within 28 days after service of this summons on you, exclusive of the day of service.

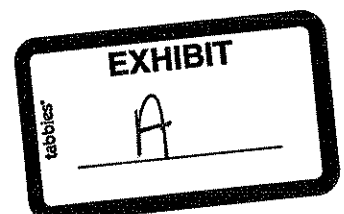
Your answer must be filed with the Court within 3 days after the service of a copy of the answer on the Plaintiff's attorney, or upon the Plaintiff if he has no attorney of record. If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

LINDA K FANKHAUSER, CLERK

*B. Hartung*

Deputy Clerk

DATE: September 25, 2012



2012CV01118

Mailing Address

Kim & Morton Collins  
2205 East 39<sup>th</sup>  
Cleveland, Ohio 44115

FILED  
COURT OF COMMON PLEAS

SEP 21 2012

LINDA K. FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

To ALL Parties Concerned:

At the present time of filing this  
Affidavit, we are in transition of  
relocating, and would like to receive  
any mail in a timely manner.

We are providing this new mailing  
address to receive any correspondence  
promptly

Respectfully Submitted  
To ALL Parties

Kim & Morton Collins

IN THE COURT OF COMMON PLEAS FOR PORTAGE COUNTY, OHIO

MR. MORTON & MRS. KIM COLLINS  
11919 EAST KANSAS, APT. #K  
AURORA, COLORADO 80012

RESIDING JUDGE,

PLAINTIFF ET AL.,

-VS-

MERCURY LINCOLN FORD  
CUSTOMER RELATIONS DEPT.  
1050 WEST MAIN STREET  
KENT, OHIO MLFK-44230

AND;

MAZDA OF KENT  
CUSTOMER RELATIONS DEPT.  
1050 WEST MAIN STREET  
KENT, OHIO MAOK-44230

AND;

MERCURY LINCOLN FORD  
CUSTOMER RELATIONS DEPT.  
POST OFFICE BOX 542000  
OMAHA, NE 68154-8000

AND;

MAZDA AMERICAN CREDIT  
CUSTOMER RELATIONS DEPT.  
POST OFFICE BOX 551939  
DETROIT, MI 48255-1939

DEFENDANT ET AL.,

CERTIFIED MAIL REQUEST PURSUANT TO CIV.R. 1.4

Comes now the PLAINTIFF(S), MR. MORTON & MRS. KIM COLLINS, respectfully submits their CERTIFIED MAIL REQUEST PURSUANT TO CIV.R. 1.4, asking this Clerk Of Court's Personnel to "CERTIFY," this CIVIL COMPLAINT, to the DEFENDANT ET AL., at the "ADDRESSES," in the above Caption, RETURN, REQUESTED, RECEIPT, to this Office according to the Rules upon Certified Request attached herewith. 1/

Respectfully submitted,

/S/ MR. MORTON COLLINS

MR. MORTON & MRS. KIM COLLINS  
11919 EAST KANSAS, APT. #K  
AURORA, COLORADO 80012

1/ A request for Certified Mail as attached with Plaintiff(s) Civil Complaint.

CASE NO. **2012CV01118**

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COURT OF COMMON PLEAS

SEP 21 2012

LINDA K. FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

JUDGE LAURIE J. PITTMAN

CERTIFIED MAIL REQUEST  
PURSUANT TO CIV.R. 1.4

IN THE COURT OF COMMON PLEAS FOR PORTAGE COUNTY, OHIO

MR. MORTON & MRS. KIM COLLINS  
11919 EAST KANSAS, APT. #K  
AURORA, COLORADO 80012

PLAINTIFF ET AL.,

-VS-

MERCURY LINCOLN FORD  
CUSTOMER RELATIONS DEPT.  
1050 WEST MAIN STREET  
KENT, OHIO MLFK-44230

AND;

MAZDA OF KENT  
CUSTOMER RELATIONS DEPT.  
1050 WEST MAIN STREET  
KENT, OHIO MMOK-44230

AND;

MERCURY LINCOLN FORD  
CUSTOMER RELATIONS DEPT.  
POST OFFICE BOX 542000  
OMAHA, NE 68154-8000

AND;

MAZDA AMERICAN CREDIT  
CUSTOMER RELATIONS DEPT.  
POST OFFICE BOX 551939  
DETROIT, MI 48255-1939

DEFENDANT ET AL.,

RESIDING JUDGE

CASE NO. \_\_\_\_\_

CIVIL COMPLAINT PURSUANT  
TO 42 U.S.C.A. §1983

CIVIL COMPLAINT PURSUANT TO 42 U.S.C.A. §1983

Comes now the PLAINTIFF(S), MR. MORTON & MRS. KIM COLLINS, and without the benefits of hired counsel, respectfully moves this Most Honorable Court in their CIVIL COMPLAINT PURSUANT TO 42 U.S.C.A. §1983. The reasons for this cause of action is more fully set forth herein, hereafter, to wit;

PARTIES

- 1.] The Plaintiff, Mr. Morton Collins, herein, hereafter, ("Mr. Collins,") in this cause of action.
- 2.] The Plaintiff, Mrs. Kim Collins, herein, hereafter, (Mrs. Collins,") in this cause of action.
- 3.] The Defendant, Mercury Lincoln Ford, herein, hereafter, ("Mercury Lincoln,") in this cause of action.
- 4.] The Defendant, Mazda Of Kent, herein, hereafter, ("Mazda,") in this cause of action.
- 5.] The Defendant, Mazda American Credit, herein, hereafter, ("Mazda American,") in this cause of action.
- 6.] The Defendant, Mercury Lincoln Ford, herein, hereafter, ("Lincoln Ford,") in this cause of action.
- 7.] The Defendant, Salesman Representative, herein, hereafter, ("Salesman,") in this cause of action.

CAUSE OF ACTION

- 8.] The Plaintiff, Mr. Collins and Mrs. Collins is suing the Defendant(s) in their Individual, Official and Supervisory Capacity in this Court having said Subject Matter Jurisdiction here in Portage County, Kent, Ohio.
- 9.] On or about the 25 day of February 20 06. The Plaintiff, Mrs. Collins purchased a 2006 Milan from Mercury Lincoln Ford of Kent, Ohio. After having this 2006 Milan Mrs. Collins became dissatisfied with this car performance and voiced her concerns about it. The Salesman called Mr. Collins while Mrs. Collins was there at the Dealership. Mr. Collins informed the Salesman; that he could not make a deal with his Wife (Mrs. Collins), with regards to

the 2006 Milan. That either the 2006 Milan or the 2007 Mazda CX7 was a lease purchase. However, the Salesman assured Mr. Collins that he could and all he (Mr. Collins) needed to do was give him (The Salesman) a Thousand (\$1,000.00) Dollars, and he (The Salesman) would do an Adjustment concerning their monthly payments. The Salesman took Mrs. Collins' personal belonging out of the 2006 Milan and put them in the 2007 Mazda CX7. The transfer was an exchange of the 2006 Milan for the 2007 Mazda CX7, and the Collins would continue their monthly payments; that their payments would be Adjusted to Five Hundred/Thirteen (\$513.00) Dollars a month. As if the 2007 Mazda CX7 was their first and only purchase. However, since that time, the Dealership have changed their Name from Mercury Lincoln Ford to Mazda Of Kent, is the reasons the Plaintiff is Sueing them accordingly. Based on the Salesman not passing this Sale Transaction Information on to the others concerning the 2006 Milan being exchanged for the 2007 Mazda CX7. And, not transferring the prior payments on the 2006 Milan to the 2007 Mazda CX7, along with the One Thousand (\$1,000.00) Dollars. Moreover, the Collins' continue payments as adjusted. If they had, Mazda, Mazada American and Lincoln Ford would not be apart of this Civil Complaint. However, they are apart, because, they have and or still harassing the Collins for allege payments for a year ago, that was not transferred over from the 2006 Milan in exchanged for the 2007 Mazda CX7. Causing the Collins' lost wages mental anguish, physical stress, pain and suffering. Because, they refuse to correct and recitfy this dilemma caused by the Salesman's failure to do a follow up on the paper work to reflect the transfer of the 2006 Milan in exchange for the 2007 Mazda CX7. Had this been done this action would not be before this Most Honorable Court as filed.

10.] The Defendant, Salesman did knowingly, voluntarily, intelligently, with

malice and malicious intent, in bad faith, in a wanton and reckless disregard for ethical business principles and practices. As well as the Collins' right to Due process and Equal Protection of the Law, In violation of their First Amendment right to redress and to give Customer Relations Services as in this Case. The Fifth Amendment to be treated fairly in their business transaction. The Eighth Amendment against cruel and unusual punishment in being harassed for payments, that has been paid a year ago. The Collins' receipts is proof by a preponderance of the evidence; by clear and convincing evidence and beyond a reasonable doubt in this Case in Chief.

11.] Mazda, Mazda American and Lincoln Ford are equally responsible for this Salesman's actions, when the salesman is a Salesman Representative for its Dealership. And, is being Sued Individually, Officially and in their Supervisory Capacity. Because, many calls and letters have been exchanged, but, to no avail. Moreover, no one wants to get it right after realizing that an error has been made by their Sales Representative (The Salesman) in this Case.

#### RELIEF SOUGHT

12.] The Plaintiffs Mr. & Mrs. Collins is seeking Loss Wages in the Amount of Ten Thousands (\$10,000.00) Dollars from each of the Named Defendants Totaling Forty Thousands (\$40,000.00) Dollars in LOSS WAGES in this cause of action.

13.] The Plaintiffs Mr. & Mrs. Collins is seeking Mental Anguish, Physical Stress, Pain and Suffering in the Amount of Fifteen Thousands (\$15,000.00) Dollars from each of the Named Defendants Totaling Sixty Thousands (\$60,000.00) Dollars Due to MENTAL ANGUISH, PHYSICAL STRESS, PAIN AND SUFFERING in this cause of action.

14.] In sum, a Grand Total of ONE HUNDRED THOUSANDS (\$100,000.00) DOLLARS, TWENTY FIVE THOUSANDS (\$25,000.00) DOLLARS from each of the Named DEFENDANTS

as sought in the instant Case.

#### OPTION AND/OR SETTLEMENT

15.] Due to having to Travel from Detroit and Omaha to Appear in Court for this Civil Unbeatable Civil Complaint. Which will Save each of the Defendant (s) Attorney Fees, Court Costs, Dinning, Hotel Loging, Air Fair, Car Rental Etc., The Collins are willing to SETTLE for FORTY FIVE THOUSANDS (\$45,000.00) DOLLARS, Saving the DEFENDANT(S) FIFTY FIVE THOUSANDS (\$50,000.00) DOLLARS. Plus unforeseen costs not mention in this CIVIL 42 U.S.C.A. §1983 COMPLAINT.

#### CLOSING SUMMATION

16.] The Collins' receipts in payments will prove this case by clear and convincing evidence. Their phone calls will prove their case by a preponderance of the evidence. And, their letters beyond a reasonable doubt in this cause of action before this Most Honorable Court as sought.

#### CONCLUSION

17.] Wherefore, and fore the foregoing reasons the Plaintiff's 42 U.S.C.A. §1983 Civil Complaint, should be considered in a manner as prescribed by State Statutory and Federal Constitutional Law, accepted in good faith, well taken, SUSTAINED AND GRANTED, for which is ever PRAYED and the amount AWARDED as sought before this Most Honorable Court. 2/

Respectfully submitted,

/S/ MR. MORTON COLLINS  
MR. MORTON & MRS. KIM COLLINS  
11919 EAST KANSAS, APT. #K  
AURORA, COLORADO 80012

2/ Attached with Certified Mail Requested with 42 U.S.C.A. §1983 CIVIL COMPLAINT.



STATE OF COLORADO  
ARAPAHOE/DOUGLAS  
ADAMS COUNTY

SS: SWORN AFFIDAVIT OF MR. MORTON COLLINS

I, MR. MORTON COLLINS, after first being cautioned and sworn under oath  
deposes and saith the following, to wit;

That the attached Letter; Dated July 26th, 2012, to Mercury Lincoln  
Ford, Customer Relations Department, Post Office Box 542000, Omaha, NE  
68154-8000, is true and correct to the best of my knowledge and belief as  
transcribed from my person: Mr. Morton and Mrs. Kim Collins, 11919 East  
Kansas, Apt. 7K, Aurora, Colorado 80012; Phone No. 1 (720) 401 4943.

Affiant saith naught.

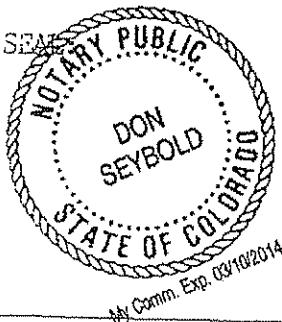
Morton Collins  
Mr. Morton Collins' Signature

NOTARY PUBLIC

Subscribed/Sworn to in my presence a Notary Public in/for State of Colorado.

This 11th day of September 20 12.

STATE SEAL



Don Seybold  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON: 03-10-2014

July 26, 2012

Morton and Kim Collins  
11919 E. Kansas Apt # K  
Aurora CO 80012  
720-401-4943

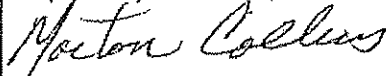
Mercury Lincoln Ford  
Customer Relations Department  
P O Box 542000  
Omaha NE 68154-8000

As you all read my wife's Kim Collins statement, her salesman sold us the 2006 Milan and the 2007 Mazda CX7 when the dealership was called Mercury Lincoln Ford of Kent Ohio. The salesman called while Kim Collins was in the dealership, I told him he could not make a deal as such with my wife Kim. That either the Milan or Mazda CX7 were a lease purchase. We bought both cars. The Milan 2006 it wasn't fully paid for, but this was the salesman response. All you all need to do is give me a \$1,000.00 dollars and I'll adjust your payments. He'll take an equally distribute the \$1,000.00 dollars out into year 2006/2007. He was suppose to exchange our Milan for the Mazda CX7 and we continue our payments for the Mazda CX7 at \$513.00 a month just as if the Mazda CX7 was our first car purchase.

The salesman forgot one thing and that was to transfer the money from Mercury Lincoln Ford to Mazda American Credit. The only option is to handle this issue in court, because there has been no other remedy. I have 58 payments paid into the Mazda CX7 and if they transfer the 2006/2007 payments to Mazda this problem is over. But I continue to be harassed by Mazda American Credit. I see there is no other way but court.

Well, we're thanking you and your staff in advance for your cooperation, time, efforts and full consideration in addressing our concerns at bar.

Respectfully submitted,



Mr. Morton/Mrs. Kim Collins  
11919 E. Kansas Apt #K  
Aurora, CO 80012


STATE OF COLORADO ]  
ARAPAHOE/ DOUGLAS ]  
ADAMS COUNTY ]

SS: SWORN AFFIDAVIT OF MRS. KIM COLLINS

I, MRS. KIM COLLINS, after first being cautioned and sworn under oath,  
deposes and saith the following, to wit;

That the attached Letter; Dated July 20th, 2012, to Mercury Lincoln Ford,  
Customer Relations Department, Post Office Box 542000, Omaha, NE 68154-8000,  
is true and correct to the best of my knowledge and belief as transcribed  
from my person: Mrs. Kim Collins, 11919 East Kansas, Apt. #K, Aurora, Colo-  
rado 80012; Phone No. 1 (720) 401 4943.

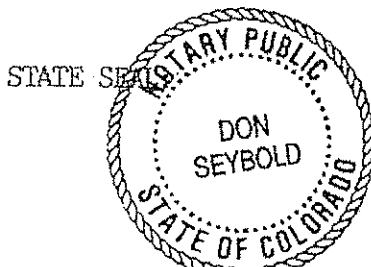
Affiant saith naught.

  
Mrs. Kim Collins' Signature

NOTARY PUBLIC

Subscribed/Sworn to in my presence a Notary Public in/for State of Colorado.

This 11th day of September 20 12.



  
NOTARY PUBLIC

\*\*\*\*\*  
MY COMMISSION EXPIRES ON:  
\*\*\*\*\*

03-10-2014

Kim Collins

11919 E. Kansas #K

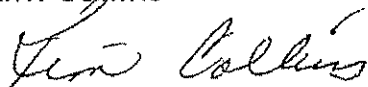
Aurora, CO 80012

July 20, 2012

In 2006 me and my husband purchased a 2006 Mercury Milan, I took the car on a trip to North Carolina and upon returning I told my husband that I hear the engine making noise. When I took the car back for oil service I told the Mazda dealership that I didn't want the car because it seemed it was going to have problems. The Mazda dealer asked me what car I would like to exchange it for and I picked the Mazda CX7 2007. The dealer said the payment would only go up twenty-five dollars and the down payment of \$3,000 and the monthly payments from the Milan would be put on this car. The dealer called my husband who was driving over the road and told him about the transfer, my husband said to the dealer not to give me the car or exchange it, but the dealership had already taken my personal effects out of the car and put them in the Mazda CX7.

In 2011 we were notified that Mazda American Credit did not receive over \$7,000 from Mercury Lincoln of Ravenna Ohio and we had 72 months payments instead of the 60 months payments, I was suppose to have.

Kim Collins



CERTIFICATE OF SERVICE

I, hereby Certify, that the original copy along with photocopies have been forwarded by and through the Regular U.S. Mail to the following parties and/or to their Attorney, a copy of the Plaintiff's Certified Mail Request Pursuant To Civ.R. 1.4, along with Civil Complaint Pursuant To 42 U.S.C.A. §1983 Sworn Affidavit and Personal Letters, have been sent Certified, to wit;

To: The Court Of Common Pleas  
Clerk Of Court's Office  
203 West Main Street  
Ravenna, Ohio COCP-44266

And;

Mercury Lincoln Ford  
Customer Relations Dept.  
1050 West Main Street  
Kent, Ohio MLFK-44230

And;

Mazda Of Kent  
Customer Relations Dept.  
1050 West Main Street  
Kent, Ohio MOK-44230

And;

Mercury Lincoln Ford  
Customer Relations Dept.  
Post Office Box 542000  
Omaha, NE 68154-8000

And;

Mazda American Credit  
Customer Relations Dept.  
Post Office Box 551939  
Detroit, MI 48255-1939

This 11<sup>th</sup> day of September 20 12

/S/ MR. NORTON COLLINS

MR. MORTON & MRS. KIM COLLINS  
11919 EAST KANSAS, APT. #K  
AURORA, COLORADO 80012